

### **REMARKS**

Upon entry of the instant amendment, claims 1-9 are pending. The Commissioner is hereby authorized to charge any necessary fees to Deposit Account 50-1214. Claims 1 and 8 have been amended to more particularly point out the applicant's invention. It is respectfully submitted that upon entry of the instant amendment, the application is in condition for allowance

### **CLAIM REJECTIONS – 35 U.S.C. § 103**

Claims 1-9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al, U.S. Patent No. 6,697,944 ("the Jones et al patent") in view of Wiser et al, U.S. Patent No. 6,868,403 ("the Wiser et al patent"). It is respectfully submitted that the claims as amended recite a secure architecture for a computing platform that can be used to protect downloaded digital content even when the relationship between the computing platform and the playback device is a not a trusted relationship. In particular, the Jones et al patent discloses an unsecure hardware architecture that passes the digital content to the playback device depending on the level of trust between the devices. Col. 10, line 52-Col. 11, line 5, repeated below for the convenience of the Examiner.

*"Interrogation between the PC 64 and the portable device 66 will also reveal a third class of portable device 66. This third class of device 66 will be low cost from both a money and battery drain perspective and will most likely utilize a dedicated chip that plays MP3 audio. To minimize cost and battery drain, however, this third class of device will most likely be incapable of decrypting the data stream at the same time. However, it is desired that this third class of portable device be allowed to play all MP3 audio files including those which carry with them a requirement for digital rights management. In order to download these files to the portable device 66, a high level of trust must be established during the interrogation process. Once this high level of trust has been established, signifying that the portable device will enforce the digital rights management of the files, the PC 64 will have to decrypt the audio and load the clear text file into the player 66. A certification scheme such as that proposed by Certicom may be utilized to guarantee that the device will protect the clear content of the file, allowing a PC only directory and delete access to these protected files stored therein. "*

It is clear from the above passage that the system disclosed in the Jones et al patent allows decrypted digital content to pass from the digital content host to the portable device. As such, the possibility exists for unauthorized distribution of the decrypted digital content.

The Wiser et al patent describes a music distribution system which requires validation of the client prior to download of the music to digital content host, for example over the Internet. The system disclosed in the Wiser et al patent is useful for securely downloading digital content from a remote source. However, once the digital content is downloaded to the digital content host as set forth in the Wiser et al patent, there is no protection of the digital content once stored in the digital content host, for example, a customer PC. The present invention solves this problem by providing a secure architecture that protects the digital content once it is downloaded and played back by a portable device, such as an MP3 player. For all of the above reasons, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Respectfully submitted,

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